

REMARKS

Claims 1 - 6 are now in this application. Claim 1 is rejected. New claim 6 is added. Claims 1 - 5 are amended herein to clarify the invention. Claims 2 - 5 were previously withdrawn as being drawn to a non-elected species of the invention. Claim 6 is added as a generic claim which reads on all species embodiments of the invention, including the presently elected species and all non-elected species. Accordingly, if claim 6 is found to be allowable, Applicants respectfully request that previously withdrawn claims 2 - 5, as amended herein, be reconsidered.

No new matter is added to any of the claims by the above amendments. Support for all of the amendments to the claims made herein and for new claim 6 added herein is found in the original specification, *passim*. In particular, support for the recitation that the noise control system of the present invention is "for use in a vehicle to reduce undesirable noise emanating from the vehicle" is found in the specification at page 1, lines 8 - 10 (first paragraph); and support for the recitation regarding the conditions for either constant gain or adjusted gain of the limiting amplifier is found in the original specification at page 6, lines 1 - 14 (first paragraph).

New claim 6 is deemed to be generic to all species of the apparatus of the invention in that it does not recite the limitation regarding an input to the

interfering wave signal generator and the limiting amplifier, which occurs in claim 1.

In the Office Action, previous claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,953,217 to Twiney et al (“Twiney”). The Examiner contends that Twiney discloses a noise reduction system that includes each and every element and feature as the apparatus of the present application.

Applicants respectfully disagree with the Examiner’s analysis and conclusion of anticipation by Twiney. Therefore, Applicants respectfully traverse the 35 U.S.C. 102(b) anticipation rejection over Twiney for the following reasons. The arguments and reasons why Applicants believe that Twiney does not anticipate the apparatus of the present application are based on the claims drawn to the apparatus of the present application as recited according to the amended claims presented by this Amendment. Accordingly, Applicants submit that the apparatus of the present application differs from that of Twiney at least in that Twiney does not teach, disclose, or suggest that the noise reduction system disclosed therein is “for use on a vehicle in order to reduce undesirable noise emanating from the vehicle due to operation of the vehicle”, as is the present apparatus. The noise reduction system of Twiney, although capable of reducing noise from a number of sources, including vehicles, is focused on reducing noise relative to and from a perspective of a wearer of the apparatus, rather than reducing the noise at its

source, as with the apparatus of the present application. Moreover, Twiney does not disclose that the apparatus has a limiting amplifier which, depending on operating conditions, either has a constant gain or a gain that is adjusted in accordance with the size of an input signal.

Accordingly, Applicants request that the 35 U.S.C. 102(b) based rejection for alleged anticipation by Twiney be withdrawn and that such rejection should not be reapplied to any of the amended and new claims presented herein above.

One further independent claim(s) in excess of those previously paid for is added by this Amendment. Accordingly, please charge the fee of \$200.00 for one additional independent claim added to the application to Deposit Account No. 10-1250.

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$120.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

No other fees are believed to be due with the filing of this Amendment. If, however, any other fees are due, or if Applicants are entitled to a refund of any previously made overpayments, they should be respectively charged or credited to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By C. Bruce Hamburg
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants
and,

By Howard R. Jaeger
Howard R. Jaeger
Reg. No. 31,376
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340